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14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 Manichanh Sitivong,

17 Plaintiff,

18 v.

19 United States of America; DOES I through  
20 X, inclusive; ROE BUSINESS ENTITIES, I  
21 through X, inclusive,

22 Defendants.

23 Case No. 2:22-cv-00169-APG-BNW

24 **Stipulation and Order to Amend  
Discovery Plan and Extend Deadlines  
(Second Request)**

25 Pursuant to Local Rules IA 6-1 and 26-4, Plaintiff, Manichanh Sitivong, and  
26 Defendant, United States of America, through counsel, submit the following Stipulation to  
Extend Deadlines 60 days. This is the second request for an extension of case deadlines.  
This stipulation is being submitted 15 days prior to the next discovery deadline.

27 **A. Discovery Completed:**

28 1. The parties have exchanged Rule 26(a) disclosures and supplemented their  
disclosures.

29 2. Defendant continues to send out subpoenas and receive medical records from  
Plaintiff's medical providers.

30 3. Plaintiff was deposed on August 25, 2022.

31 4. Special Agent Jae Carlton Beasley was deposed on October 18, 2022.

- 1 5. Plaintiff served written discovery on October 17, 2022.
- 2 6. The investigating officer's deposition is scheduled for November 18, 2022.

3 **B. Discovery Remaining:**

- 4 1. The parties may serve additional written discovery, third-party subpoenas, and
- 5 plan to conduct depositions of Plaintiff's treating medical providers and others.
- 6 2. The parties will continue to supplement their initial disclosures.
- 7 3. In addition, the parties will designate and depose retained and non-retained
- 8 medical experts, if applicable.
- 9 4. Depositions of witnesses and treating physicians.
- 10 5. Continued production of additional medical records and billing.

11 **C. Need for Extension of Discovery Plan:**

12 The current 60-day extension is being sought for the following reasons. First, the  
13 United States has experienced delays in obtaining and reviewing medical records and hiring  
14 experts. Further, the United States Attorney's Office recently had another experienced  
15 AUSA leave the office. This required that AUSA's assigned cases to be reassigned to the few  
16 remaining AUSAs that handle civil cases. Those case reassignments required the remaining  
17 AUSAs, including AUSA Pearson, to get up to speed with new cases and meet additional  
18 and unforeseen case deadlines in other cases. Finally, scheduling the deposition of the  
19 investigating officer had to be set and rescheduled due to his availability. Therefore, an  
20 extension will provide the parties the necessary time to complete discovery in this case.

21 Respective counsel for the parties have a good working relationship and have  
22 discussed this request and are in agreement that an additional 60-days is appropriate. This  
23 additional time will also allow the parties sufficient time to continue to conduct discovery.

24 **D. Proposed New Discovery Schedule:**

25 **1. Discovery Cutoff Date:** Discovery cutoff is currently scheduled for January 30,  
26 2023, and will be extended to **March 31, 2023**.

**2. Expert Disclosures:** Initial expert disclosures currently due on November 30, 2022, will be extended to **January 30, 2023**; and rebuttal expert disclosures currently due January 2, 2023, will be extended to **March 3, 2023**.

**3. Dispositive Motions:** Dispositive motions currently due March 1, 2023, will be extended to **May 1, 2023**, which is the first weekday 30 days after discovery cutoff.

**4. Pre-Trial Order:** A Joint Pretrial Order shall be filed by **May 31, 2023**, which is 30 days after the deadline for filing dispositive motions. However, if any dispositive motions are filed, the Joint Pretrial Order shall be due 30 days after decision on such motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be included in the Joint Pretrial Order.

Respectfully submitted this 15th day of November 2022.

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## **IT IS SO ORDERED:**

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## UNITED STATES MAGISTRATE JUDGE

**DATED:** November 16, 2022